



UNITED STATES PATENT AND TRADEMARK OFFICE

24 SEP 2007

#15
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

In re Application of	:	
KLEIN, Eberhard et al.	:	
Application No.: 10/502,430	:	DECISION ON
PCT No.: PCT/DE02/03408	:	
Int. Filing Date: 12 September 2002	:	PETITION
Priority Date: 22 January 2002	:	
Attorney's Docket No.: 10191/3445	:	UNDER 37 CFR 1.181
For: METHOD AND DEVICE ... INTERNAL	:	
COMBUSTION ENGINE	:	

This decision is in response to applicants' 3rd Renewed Petition to Withdraw the Holding of Abandonment, filed in the United States Patent and Trademark Office on 25 June 2007.

BACKGROUND

On 23 May 2007, the Office mailed Decision On Petition Under 37 CFR 1.181, advising applicant that the translation of Figure 4 was not acceptable and again advising applicant that the application was properly abandoned. The decision indicated that a proper response was a petition under 37 CFR 1.137 and a translation of the drawings.

On 25 June 2007, applicants submitted this renewed petition to withdraw the holding of abandonment, accompanied by a new translation of figures 4 and 5.

DISCUSSION

The translation of figures 4 and 5 is now acceptable.

However, as mentioned in the 21 November 2006, 29 January 2007 and 23 May 2007 decisions, this application is abandoned. The response to the 21 April 2005 Notification of Defective Response was defective and thus would not have been sufficient to prevent abandonment. A petition under 37 CFR 1.137 is necessary to revive it.

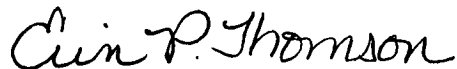
CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

This application remains **ABANDONED**.

A proper response to this decision is required within **TWO (2) MONTHS** of the mail date of this decision. Failure to timely reply may be construed as intentional delay.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459